

TRUCK DRIVERS AND HELPERS LOCAL 355  
HEALTH AND WELFARE FUND



Actives - Plan A, C and E  
Retirees – Plan 20, 25 and 30

Summary Plan Description

## SUBROGATION

If you or one of your dependents is injured directly or indirectly by a third party, the Plan will pay covered benefits under the following circumstances. If you receive a payment from the third party, and/or from an insurance company, employer or other agent, assign, or relative of the third party as a result of settlement or award for your injuries, the Plan will have the right to an equitable lien over the payment, and the Plan will have a right of first recovery from the payment, without deduction of attorneys' fees or costs, up to the full amount of the recovery. The Plan's right of first recovery shall apply regardless of whether the award or settlement is designated for medical benefits, damages, pain and suffering or any other designation related to the injuries. The common fund and make whole doctrines are specifically rejected, for the purposes of this section. No benefits will be paid by the Plan under this section until a fully executed Subrogation Agreement is completed by the participant, the injured party, and the injured party's attorney, if applicable. The Subrogation Agreement requires, among other things, that you and your attorney must cooperate with the Plan and provide all information regarding your lawsuit or settlement to the Fund Office and/or Plan Counsel.

For example, suppose that you and your spouse are injured in an automobile accident that was another person's or entity's fault and that the Plan pays \$1,000 in benefits to you for injuries resulting from the accident. If you and your spouse receive money from the other person or entity, or from an insurance carrier, as a result of a legal settlement, the Plan is entitled to receive up to \$1,000 of the money awarded to you as reimbursement for the benefits provided by the Plan.

If you file a claim for workers' compensation benefits and your claim is contested, you may receive benefits from the Plan until your workers' compensation claim is resolved. In order to receive these benefits from the Plan, you must sign an Indemnity Agreement, stating that if you later are awarded temporary total workers' compensation benefits or workers' compensation medical benefits, you must repay all benefits you received from the Plan for any period to which your workers' compensation award applies. If you fail to reimburse the Fund under this section, the amount owed to the Fund may be offset by future benefits.